

**CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
CENTRAL COAST REGION  
895 AEROVISTA PLACE, SUITE 101  
SAN LUIS OBISPO, CALIFORNIA**

**RESOLUTION R3-2002-0115  
December 13, 2002**

**General Waiver  
For  
Specific Types of Discharges**

The California Regional Water Quality Control Board, Central Coast Region (hereafter Regional Board) finds:

1. California Water Code Section 13269 authorizes the Regional Board to waive reports of waste discharge, waste discharge requirements, and permission to discharge (Sections 13260(a) and (b), 13263(a), and 13264(a), summarized below) for a specific discharge or specific types of discharges where such a waiver is not against the public interest.
  - a. Sections 13260(a) and (b) require a report of waste discharge from any person or agency proposing to discharge waste or construct an injection well.
  - b. Section 13263(a) provides Regional Boards with authority to issue waste discharge requirements for any proposed or existing discharge that could affect water quality.
  - c. Section 13264(a) prohibits waste discharge without discharger submittal of a report of waste discharge and Regional Board adoption of waste discharge requirements or Regional Board issuance of a waiver.
2. California Water Code Section 13269 stipulates that waivers shall be conditional and may be terminated at any time by the Regional Board. Waivers may be granted for discharges to land and may not be granted for discharges to surface waters or conveyances thereto.
3. On October 10, 1999, Senate Bill 390 amended California Water Code Sections 13269 and 13350. The amendments:
  - a. Extend all waivers in effect on January 1, 2000, for three years to January 1, 2003, unless terminated earlier.
  - b. Require all existing waivers to expire on January 1, 2003, unless renewed.
  - c. Require Regional Boards to conduct a public hearing before renewing any waiver for a specific type of discharge to determine whether the discharge should be subject to general or individual waste discharge requirements.
  - d. Direct the Regional Boards and State Board to enforce waiver conditions.

- e. Expand Regional Boards' authority to take enforcement action for violations of waiver conditions.
  - f. Require Regional Boards to review and renew or terminate all waivers (issued after January 1, 2003) every five years.
4. On September 27, 2002, Governor Davis signed AB 2481. AB 2481 extends the existing waiver for onsite wastewater disposal (septic systems) from January 1, 2003 to June 30, 2004. As a result, the Regional Board intends to review its related waiver policy at a public hearing prior to June 30, 2004.
5. Waivers granted for discharges that do not pose a significant threat to water quality, where such waivers are not against the public interest, enable staff resources to be used effectively and avoid unnecessary expenditures of limited resources.
6. Attachment A1, Sections B and C identify the types and conditions of discharges for which waivers are granted by this Resolution. These discharges will not have a significant effect on the quality of waters of the State provided the corresponding criteria and conditions are met.
7. Regional Board staff will develop and implement a waiver tracking and compliance program.
8. Issuance of a waiver will not override other more stringent local, state, or federal regulations prescribed by other agencies or departments.
9. Although a discharge may qualify for waiver enrollment, the Regional Board reserves the right to regulate that discharge through other programs or Regional Board actions (such as enforcement Orders, individual waste discharge requirements, general Orders, etc.).
10. Regional Board staff followed appropriate procedures to satisfy the environmental documentation requirements of the California Environmental Quality Act of 1977.
11. The Regional Board has reviewed the Initial Study concerning this Resolution prepared in accordance with the California Environmental Quality Act and concurs that a Negative Declaration should be adopted.
12. On December 13, 2002, the Regional Board held a public hearing and considered all the evidence concerning this matter. Notice of this hearing was given to all interested parties in accordance with the California Code of Regulations, Title 14, Section 15072.

**THEREFORE, BE IT RESOLVED:**

1. The Regional Board, in compliance with California Water Code Section 13269, has reviewed the previous waiver policy (Resolution 89-04) and will allow that policy to expire on January 1, 2003. Discharges for which provisions of California Water Code Sections 13260, 13263, or 13264 were waived under the previous waiver policy may be issued individual waste discharge requirements, enrolled in general waste discharge requirements, regulated through other programs, granted a waiver by this Resolution, or granted a waiver through other actions of the Regional Board.
2. The Regional Board's Executive Officer is authorized to enroll and terminate enrollment in the waivers granted by this resolution.

3. Waste discharge requirements (California Water Code Section 13263(a)) are waived for discharges listed in "Attachment A1, Section B." Applicants seeking enrollment in these waivers are required to submit a report of waste discharge or other documentation that provides sufficient information to demonstrate that compliance with waiver conditions can be achieved. The application shall include a one-time fee equal to the minimum annual fee identified in the fee schedule. These applicants are not permitted to discharge pursuant to this Resolution until the Regional Board Executive Officer notifies the applicants that they have been enrolled. All waiver enrollment notifications granted by the Executive Officer shall include an expiration date.
4. Reports of waste discharge submittal, waste discharge requirements issuance, and enrollment notification (California Water Code Sections 13260(a) and (b), 13263(a), and 13264(a)) are waived for discharges listed in "Attachment A1, Section C." Provided all conditions are met, these dischargers need not apply to the Regional Board, pay fees, or receive waiver enrollment notification.
5. The Executive Officer may tentatively enroll proposed discharges not listed in "Attachment A1," provided the discharge meets all general conditions listed in "Attachment A1, Section A" and any additional site-specific or discharge-specific conditions prescribed by the Executive Officer. These discharges require a report of waste discharge including a one-time fee equal to the minimum annual fee identified in the fee schedule. Tentative enrollments will be brought before the Regional Board at regularly scheduled meetings for formal approval. All waiver enrollment notifications shall include an expiration date.
6. The Regional Board hereby adopts the Initial Study and Negative Declaration regarding waivers of reports of waste discharge, waste discharge requirements, and permission to discharge (as presented in Attachment A1 of this Resolution). The Executive Officer will file a Notice of Determination with the State Clearinghouse as required by the California Code of Regulations.

I, Roger W. Briggs, Executive Officer of the California Regional Water Quality Control Board, Central Coast Region, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Central Coast Region, on December 13, 2002.

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Executive Officer

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Date